

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ANTONIO CROSBY,

*

Plaintiff,

*

v.

*

CIVIL NO. JKB-21-0078

OFFICER CODY GILPIN,

*

Defendant.

*

* * * * *

MEMORANDUM AND ORDER

On December 19, 2022, Defendant filed a Motion to Dismiss or, in the Alternative, Motion for Order to Show Cause. (ECF No. 35.) On March 2, 2023, the Court issued an Order (1) granting Defendant's Motion to the extent that it sought the issuance of a show cause order and (2) directing Plaintiff Antonio Crosby and his counsel to show cause on or before March 22, 2023 why this matter should not be dismissed. (ECF No. 36.) Having received no response from Crosby or his counsel,¹ the matter will be dismissed without prejudice.

Federal Rule of Civil Procedure 41(b) provides that "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." Further, Local Rule 103.8(b) provides that:

If no document has been filed in court in any action for more than nine (9) months, the Court may enter an order asking the parties to show cause why the case should not be dismissed. If good cause is not shown within fourteen (14) days of the entry of the show cause order or such other time as may be set by the Court, the case shall be dismissed without prejudice.

¹ The Court ordered responses from both Crosby and his counsel, given the limited purpose for which Plaintiff's counsel was appointed and the lack of clarity on the docket regarding the status of the proceedings. (See ECF No. 27 (appointing counsel for the limited purpose of discovery).)

In this case, prior to Defendant's Motion to Dismiss or, in the Alternative, Motion for Order to Show Cause, (ECF No. 35), filed on December 19, 2022, no document had been filed by either party since February 22, 2022. It has therefore been over 13 months since the parties filed any documents with the Court, and no party has shown good cause why the case should not be dismissed.

Accordingly, it is ORDERED that:

1. The case is DISMISSED without prejudice;
2. The Clerk is DIRECTED to CLOSE THIS CASE; and
3. The Clerk is DIRECTED to mail a copy of this Order to Plaintiff Antonio Crosby.

DATED this 24 day of March, 2023.

BY THE COURT:

A handwritten signature in blue ink, reading "James K. Bredar", is written over a horizontal line.

James K. Bredar
Chief Judge